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**MAR 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Gerard Alan Lynch :  
Application No. 10/010,993 : **DECISION ON PETITION**  
Filed: November 12, 2001 :  
Attorney Docket No. 499-0102 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 4, 2008. Accordingly, the date of abandonment of this application is February 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the status of this application should be directed to the Office of Data Management at 571-272-4000.

This application is being referred to the Office of Data Management for processing into a patent.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions